

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Zywave, Inc.,
10700 W. Research Drive, Suite 400
Milwaukee, WI 53226,

Plaintiff,

v.

Alicia Moran a/k/a Alice Abdullaeva,
a/k/a Alisa Abdullaeva, Sergei Millian,
Millian Group, Inc., and
www.brokersbriefcase.com

Defendants.

CIVIL ACTION

FILE NO.: 1:08-CV-1172-TCB

**CONSENT ORDER BY AND BETWEEN PLAINTIFF ZYWAVE, INC.
AND DEFENDANTS SERGEI MILLIAN AND MILLIAN GROUP, INC.**

COME NOW, Plaintiff Zywave, Inc., Defendant Sergei Millian also known as Siarhei Kukuts (hereinafter “Defendant Millian”) and Defendant Millian Group, Inc. (hereinafter “Defendant Millian Group”) and hereby consent and agree to the following:

WHEREAS, the parties to this Order agree that Zywave is the owner and registrant of United States Trademark Registration No. 2507442 registered

November 13, 2001 for the BROKER BRIEFCASE mark for Computer software for the use in analyzing and managing insurance claims and insurance services;

WHEREAS, Defendants Millian and Millian Group have used and are using the BROKER BRIEFCASE mark of Zywave in commerce in connection with the sale of computer software and real estate broker services, and Zywave contends Defendants Millian and Millian Group thereby have infringed Zywave's exclusive rights in the BROKER BRIEFCASE mark;

WHEREAS, Defendants Millian and Millian Group's use of the BROKER BRIEFCASE mark of Zywave is without the consent, authorization or permission of Zywave;

WHEREAS, Defendants Millian and Millian Group's use of the BROKER BRIEFCASE mark and the www.brokerbriefcase.com domain name, which is virtually identical to, confusingly similar to, and dilutive of Plaintiff's BROKER BRIEFCASE mark, infringes on Plaintiff's rights;

WHEREAS, the Plaintiff contends it is entitled to relief in connection with injuries it has sustained as a result of Defendants Millian and Millian Group's use of the BROKER BRIEFCASE mark and the www.brokerbriefcase.com domain name (collectively all such actions of Defendants shall be referred to herein as the "Alleged Infringement"); and

WHEREAS, Defendants Millian and Millian Group agree to be bound by the terms and conditions set forth herein,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. that Defendants Millian and Millian Group shall immediately forfeit and cancel the www.brokersbriefcase.com domain name and transfer any and all rights to such www.brokersbriefcase.com domain name to Zywave;

2. Defendants Millian and Millian Group shall immediately cease and desist from using both the BROKER BRIEFCASE mark and the www.brokersbriefcase.com domain name;

3. Within thirty days after entry of this Order, Defendants Millian and Millian Group shall produce their financial and banking records to Zywave and shall account to Zywave for any profits received from the Alleged Infringement, and shall disgorge said profits to Zywave, if any, within forty-five days after entry of this Order;

4. Unless mutually agreed to in writing or required by law or by a court of competent jurisdiction; Zywave shall not communicate, display, publish or otherwise reveal the contents of Defendant Millian or Millian Group's financial and banking records to anyone other than its attorneys, financial consultants, employees or to other parties to this lawsuit;

5. Defendants Millian and Millian Group shall surrender for destruction all materials incorporating or reproducing the BROKER BRIEFCASE mark of Zywave that are in their possession, custody or control within thirty days after entry of this Order; and

6. Zywave shall dismiss its lawsuit against Defendants Millian and Millian Group within thirty (30) days of the latters' compliance with all the terms and conditions of this Order.

IT IS HEREBY FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction of this matter in order to enforce the terms of this Order and in order to grant any further or additional relief allowed or required by federal or state law.

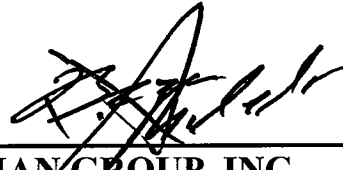
IT IS SO ORDERED, this __, day of _____, 2008.

Honorable Timothy C. Batten, Sr.
Judge, United State District Court

Consented to and submitted by:



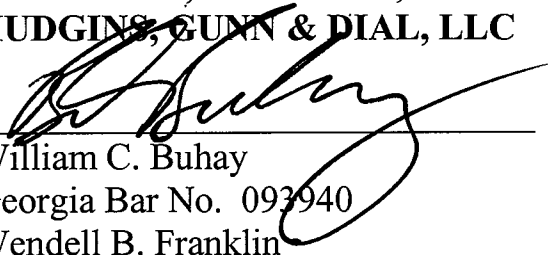
Defendant Sergei Millian a.k.a Siarhei
Kukuts



MILLIAN GROUP, INC.

by Sergei Millian a.k.a Siarhei Kukuts –
Corporate Representative Authorized to
Sign

**WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC**



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